

**REMARKS**

The specification has been amended to improve form. Claims 1-10 have been amended to improve form and claims 11-20 have been added. No new matter has been introduced. Claims 1-20 are now pending in this application.

Initially, the applicant notes that the PTO-1449 filed with the application listed and provided a copy of the International Search Report for PCT/EP2005/000570. The copy of the PTO-1449 provided with the Office Action did not initial the listing for the International Search Report indicating that the International Search Report was officially considered. The applicant respectfully requests that an initialed copy of the PTO-1449 be provided in the next communication indicating that the International Search Report was officially considered.

Claims 1-10 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Lechner (U.S. Patent Application Publication No. 2006/0262945). The rejection is respectfully traversed.

Claim 1, as amended, recites a portable electronic device that includes a speaker and a receiver for sound reproduction, the speaker and receiver sharing a back volume space within the portable electronic device. Claim 1, as amended, also recites a control unit configured to actively damp the receiver while the speaker is active. Support for this latter feature is given at, for example, page 4, line 21 of the applicant's specification.

The Office Action states that Lechner discloses a speaker and receiver and points to Figs. 1-4 for support (Office Action – page 2). The Office Action also states that Lechner discloses a control/damping unit arranged to damp the receiver while the speaker is active and points to Figs. 1 and 2, paragraph 10 at lines 12-15 and paragraph 18 at line 28 for support (Office Action – page 2).

Fig. 1 of Lechner illustrates an example of using two separate audio outputs of a voiceband electronic circuit for each speaker and Fig. 2 illustrates an example of using an audio signal supplied by only one balanced output port of a voiceband electronic circuit (Lechner – page 2, paragraphs 13 and 14). Lechner at paragraph 10, lines 12-15 discloses that in one mode, an earpiece speaker may be silent while the loudspeaker transduces the audio signal. Lechner at paragraph 18, lines 28-30 discloses that for an audio signal to be transduced by loudspeaker 3 of Fig. 1, switch 8-5 is closed while switch 8-6 disrupts the connection to the output stage for output 7 of the voiceband electronic circuit.

These portions of Lechner, however, do not disclose actively damping earpiece 2 while loudspeaker 3 is active. That is, Lechner discloses that switch 8-6 is open to disrupt output from earpiece 2 when switch 8-5 is closed. This is not equivalent to actively damping the earpiece when the loudspeaker is active. In other words, having switch 8-6 in the open state does not correspond to actively damping earpiece 2 while loudspeaker 3 is active, as would be required by claim 1.

For at least these reasons, Lechner does not disclose each of the features of claim 1. Accordingly, withdrawal of the rejection of claim 1 under 35 U.S.C. § 102(e) based on Lechner is respectfully requested.

Claims 2-4, 8 and 9 are dependent on claim 1 and are not anticipated by Lechner for at least the reasons claim 1 is not anticipated. In addition, these claims recite additional features not disclosed by Lechner.

For example, claim 3, as amended, recites that when actively damping the receiver, the control unit is configured to control voltage or current applied to the receiver to actively reduce acoustic leakage from the receiver when the speaker is active. With respect to previously presented claim 3, the Office Action states that Lechner discloses a

switching/control device with a switch for allowing only an exclusive audio/buzzer signal to the loudspeaker while earpiece 2 may be operating and points to Fig. 3 and paragraph 20 for support (Office Action – page 3). The Office Action further states that the controlling unit of Lechner inherently is arranged to control voltage or current over the receiver to avoid the receiver operating as a leak (Office Action – page 3).

Lechner at paragraph 20 and Fig. 3 may disclose placing switch control 9 between resistor 10 and output port 6-1' to allow exclusive transmission of either the buzzer signal or the audio signal to the audio power amplifier 4. Lechner at paragraph 20 also discloses that the earpiece speaker 2 cannot be turned off using the driving circuitry 1" shown in Fig. 3 (Lechner – paragraph 20, lines 18-21). Therefore, this portion of Lechner does not disclose controlling voltage or current applied to earpiece 2 to actively reduce acoustic leakage from the receiver when the speaker is active, as would be required by amended claim 3.

For at least this additional reason, withdrawal of the rejection of claim 3 under 35 U.S.C. § 102(e) based on Lechner is respectfully requested.

Claim 5, as amended, recites a method for sound reproduction for a portable electronic device including a speaker and a receiver for sound reproduction, comprising providing sound reproduction via the speaker and the receiver, the receiver and the speaker sharing a back volume, and actively damping the receiver while the speaker is active.

Similar to the discussion above with respect to claim 1, Lechner does not disclose these features. Accordingly, withdrawal of the rejection of claim 5 under 35 U.S.C. § 102(e) based on Lechner is respectfully requested.

Claims 6, 7 and 10 are dependent on claim 5 and are not anticipated by Lechner for at least the reasons claim 5 is not anticipated. In addition, these claims recite additional features not disclosed by Lechner.

For example, claim 6 recites that the actively damping the receiver comprises controlling voltage or current applied to the receiver to reduce leakage from the receiver when the speaker is active.

Similar to the discussion above with respect to claim 3, Lechner does not disclose this feature. For at least this additional reason, withdrawal of the rejection of claim 6 under 35 U.S.C. § 102(e) based on Lechner is respectfully requested.

#### STATEMENT OF COMMON OWNERSHIP

Although the Office Action did not reject any of the claims under 35 U.S.C. § 103 as being unpatentable in view of Lechner, the applicant notes that the present application and Lechner were both commonly assigned or subject to an obligation of assignment to Sony Ericsson Mobile Communications AB at the time the applicant's invention was made. The assignment to Sony Ericsson Mobile Communications AB in the present application was recorded at Reel 018158, Frame 0261. The assignment to Sony Ericsson Mobile Communications AB in Lechner was recorded at Reel 017900, Frame 0430. Since the present application and Lechner were both commonly assigned or subject to an obligation of assignment to Sony Ericsson Mobile Communications AB at the time the applicant's invention was made, the applicant respectfully notes that Lechner cannot be used to preclude patentability of the present invention under 35 U.S.C. § 103(c).

NEW CLAIMS

New claims 11-20 have been added. These claims are believed to be allowable over the cited art. For example, claims 11-14 variously depend on claims 1 and 5 and are believed to be allowable for at least the reasons their respective independent claims are allowable. In addition, these claims recite additional features not disclosed by the cited art.

For example, claim 11 is dependent on claim 1 and recites that when actively damping the receiver, the control unit is configured to constrain a diaphragm of the receiver to a fixed position. Claim 13 recites a similar feature. Support for this feature is given, for example, at page 4, lines 14-17 of the applicant's specification. The cited art does not disclose this feature.

Claim 12 recites that when actively damping the receiver, the control unit is configured to suppress movement of a membrane of the receiver. Claim 14 recites a similar feature. Support for this feature is given, for example, at page 4, lines 21-24 of the applicant's specification. The cited art does not disclose this feature.

Claim 15 recites a device, comprising a first speaker configured to output sound indicating that an incoming communication has been received; a second speaker configured to output sound associated with use of the device, the first and second speakers sharing an enclosure within the device; and a control unit configured to actively damp the second speaker while the first speaker is active. The cited art of record does not disclose these features.

Claims 16 and 17 recite features similar to claims 11 and 12. As discussed above, the cited art does not disclose these features.

Claim 18-20 are dependent on claim 15 and are believed to be allowable for at least the reasons claim 15 is allowable.

Accordingly, allowance of claims 11-20 is respectfully requested.

### **CONCLUSION**

In view of the foregoing amendments and remarks, the applicant respectfully requests withdrawal of the outstanding objections and rejections and the timely allowance of this application. As the applicant's remarks with respect to the Examiner's rejection are sufficient to overcome this rejection, the applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art) is not a concession by the applicant that such assertions are accurate or such requirements have been met, and the applicant reserves the right to analyze and dispute such in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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